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| APPLICATION NO.                  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------|-------------|----------------------|---------------------|------------------|
| 09/802,504                       | 03/09/2001  | Victor Keith Blanco  | MSI-767US           | 7444             |
| 22801                            | 7590        | 08/11/2004           | EXAMINER            |                  |
| LEE & HAYES PLLC                 |             |                      | JONES, SCOTT E      |                  |
| 421 W RIVERSIDE AVENUE SUITE 500 |             |                      |                     |                  |
| SPOKANE, WA 99201                |             |                      | ART UNIT            | PAPER NUMBER     |
|                                  |             |                      | 3713                |                  |

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                      |  |
|------------------------------|-----------------|----------------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)         |  |
|                              | 09/802,504      | BLANCO, VICTOR KEITH |  |
|                              | Examiner        | Art Unit             |  |
|                              | Scott E. Jones  | 3713                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 May 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 and 21-57 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 and 21-57 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 02022004,05132004.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on May 13, 2004 in which applicant amends claims 32, 38, and 47, adds new claims 52-57, amends the specification, submits replacement sheets for figures 7 and 9, submits an information disclosure statement, and responds to the claim rejections. Claims 1-18 and 21-57 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (U.S. 5,978,920).

Lee discloses a computer (game) system having a function of interrupting lewd/violent programs which includes a read-only-memory for storing an initialization program and a security grade setup program; a non-volatile memory device for storing a security grade which is a program classification code selected by a user (parent) for designating an unacceptable program content contained in an application program, and a password for identifying the user (parent) when changing the security grade; and a controller for controlling execution of an application program according to the security grade of the application program and the security grade stored in the non-volatile memory device during initialization, and for controlling the changing of the security grade stored in the non-volatile memory device during the security grade setup, when the user (parent) inputs a password that corresponds to the password stored in the non-volatile memory device. As a result, the

computer (game) system is able to limit access to application programs that contain unacceptable levels of graphic sex, violence, and strong language (Abstract, Figs. 1-5, Column 2, line 25-Column 3, line 16, Column 3, line 47-Column 4, line 43, Column 5, lines 6-30, Column 6, line 53-Column 7, line 20). Furthermore, Lee further encompasses other media types such as television programs, etc. (Column 7, lines 7-32). Lee additionally discloses:

Regarding Claims 1, 43, 44, and 53-55:

A game console comprising:

- a memory (security grade memory (17)) to store a plurality of parental control settings (graphic sex, violence, and strong language), wherein the plurality of parental control settings are associated with different media types (game programs and television programs) (Figures 2 and 3, Column 5, lines 6-30, and Column 7, lines 21-35);
- a media reader (Hard Disk Drive 36 and CD-ROM 37) to read content from the different media types (game and television programs) (Figure 2 and Column 4, lines 20-33);
- a processor (CPU 11) coupled to the memory and the media reader, wherein the processor allows performance of the content read by the media reader if the parental control setting corresponding to the media type of the content being read is satisfied (Figure 4 and Column 2, line 64-Column 3, line 7).

Regarding Claims 5, 14, 24, 30, 36, 39, and 48:

- wherein one of the plurality of parental control settings is associated with game content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental control settings are associated with game content and television content which both have audio content.

Regarding Claims 6, 15, 25, 30, 36, 39, and 48:

- wherein one of the plurality of parental control settings is associated with audio content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental control settings are associated with game content and television content which both have audio content.

Regarding Claims 7, 16, 26, 30, 36, 39, and 48:

- wherein one of the plurality of parental control setting is associated with video content (Column 2, lines 25-37, Column 5, lines 5-30, and Column 7, lines 21-35). The parental control settings are associated with game content and television content which both have audio content.

Regarding Claims 9, 41, 42, and 50:

- wherein the memory comprises a hard disk drive/non-removable memory device/optical disk reader (36) (Figure 2 and Column 4, lines 20-33).

Regarding Claims 10 and 29:

- wherein a console application executable on the processor presents a user interface (a program that accepts parents inputs to change a security grade) that allows entry of at least one parental control setting (Figure 5 and Column 6, line 59-Column 7, line 6).

Regarding Claims 12, 31, 37, 40, and 49:

- wherein a console application executable on the processor presents a user interface (a program that accepts parents inputs to change a security grade) that allows entry of a password (secret number-Step S22) associated with at least one parental control setting (Figure 5 and Column 6, line 59-Column 7, line 6).

Regarding Claims 13, 22, 23, 28, 35, 38, 47, 52, 56, and 57:

A method/computer-readable media comprising instructions:

- identifying content from among each of a plurality of different media types to be executed on a game console and a corresponding rating thereof (Column 7, lines 21-40)  
Inherently, in order to further construct the computer system to serve as a television receiver in addition to a game system, then the application program would have to be able to distinguish between the different media types in order to apply the security grade application program;
- identifying a parental control setting (graphic sex, violence, and strong language) stored in the game console/non-removable memory for the media type of the identified content (game programs and television programs) (Figures 2 and 3, Column 5, lines 6-30, and Column 7, lines 21-35);
- analyzing the content to be executed on the game console using the media type thereof and the parental control setting of the media type (Figure 4 and Column 2, line 64-Column 3, line 7); and
- executing the content on the game console if the rating of the identified content satisfies the parental control setting (Figure 4 and Column 2, line 64-Column 3, line 7).

Regarding Claim 21:

- further including generating a message (error message) indicating unacceptable content if the content does not satisfy the parental control setting (Column 3, lines 1-7).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 8, 11, 17-18, 27, 32-34, 45-46, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. 5,978,920).

Lee discloses to one of ordinary skill in the art that as discussed above regarding claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, 47-50, and 52-57. However, Lee seems to lack explicitly disclosing:

Regarding Claims 2, 17, 45, 46, and 51:

- wherein the media reader is a broadband connectivity component for receiving and reading the plurality of different kinds of media types from an online source.

Regarding Claim 3:

- wherein one of the plurality of parental control settings is associated with a rating system used in a country for which the game console is configured.

Regarding Claims 4, 17, 18, and 27:

- wherein the kind of media type that the media reader reads is online data having a rating for the online data.

Regarding Claims 8 and 11:

- wherein one of the plurality of parental control settings is associated with online content.

Regarding Claim 32:

- a range indicator that identifies a range of content restriction levels that may be used by the game console for a variety of different media types; and
- a control movable relative to the range indicator to select a particular content restriction level corresponding to each said media type.

Regarding Claim 33:

- further comprising a first display region to identify a particular media type that may be played by the game console, the range indicator being adapted to identify ranges of content restriction levels for the media type identified in the first display region.

Regarding Claim 34:

- further comprising a second display region to identify a summary of the content restriction for the currently selected content restriction level.

Regarding Claims 2, 4, 8, 11, 17, 18, 27, 45, 46, and 51, Lee provides an interface for downloading and executing programs downloaded via a network (such as the Internet) by means of an external modem, wherein the application program is inserted into the computer system by way of a CD-ROM drive (37) or other available means at step (11). At the time of Lee's invention, downloading programs from the Internet, was notoriously well known as "other available means" for providing game programs for a computer system (Column 4, lines 64-65, and Column 6, lines 34-35).

Regarding Claims 32, 33, and 34, Lee discloses a security grade of the application program wherein a parent can input a password (secret number) and modify the security grade settings. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to program Lee's application program into a graphical user interface such that a parent could modify settings via a click of a mouse on a graphical display. One would be motivated to do so because this would make the process of modifying the security grade settings much easier making it more likely that the application program would be utilized to limit access to lewd/violent programs.

Regarding Claim 3, it would have been obvious at the time of applicant's invention to utilize parental control settings associated with a rating system used in a country for which the game console is configured. One would be motivated to do so because a parent would be more likely to

utilize the parental control settings if the rating system is familiar, rather than foreign, thereby making it more likely the parent would configure the settings to limit access to lewd/violent programs.

***Response to Arguments***

6. Applicant's arguments filed May 13, 2004 have been fully considered but they are not persuasive.

7. Applicant respectfully submits claims 1, 5-7, 9, 10, 12-16, 21-26, 28-31, 35-44, and 47-50 are not anticipated by Lee (U.S. 5,978,920). Regarding independent claims 1, 13, 23, 29, 35, 38, and 47, Applicant alleges, "Lee fails to disclose or suggest multiple parental control settings associated with different media types." However, the examiner disagrees and believes Lee discloses this feature. In particular, Lee discloses, "it will be understood by those skilled in the art that various changes and modifications may be made, and equivalents may be substituted for elements thereof without departing from the true scope of the present invention. For example, if the computer system is further constructed to serve as a television receiver, then the application program can also encompass television programs that carry different program classification codes for different levels of graphic sex, violence, and strong language." (Column 7, lines 23-32) (Emphasis added). Therefore, Lee's computer system can encompass, in addition to game program media, television programs that have different program classification codes (multiple parental control settings).

Additionally, Applicant alleges an application program (game program) and a television program are not different media types, but rather refer, to different content. The examiner respectfully disagrees. For instance, a game program can be introduced to the computer game system via a game CD, whereas, the television program can be from a cable connection to the computer game system. Hence, Lee discloses different media types.

8. Applicant respectfully submits claims 2-4, 8, 11, 17-18, 27, 32-34, 45-46, and 51-57 are patentable over Lee (U.S. 5,978,920). Applicant alleges Lee fails to remedy the alleged deficiencies with regards to claims 1, 13, 23, 29, 35, 38, and 47. However, the examiner respectfully disagrees. Please see Item No. 7 above.

*Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN M. HOTALING, II  
PRIMARY EXAMINER

